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Atty. Docket No. 139129-1006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John Santhoff, et al.) Group Art Unit: 2631
Serial No.: 09/804,110) Petitions Attorney: Unknown
Filed: March 12, 2001)
For: HAND-OFF BETWEEN)
ULTRA-WIDEBAND CELL)
SITES)

San Diego, California 92101
October 22, 2001

Box MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. § 1.47(a) FOR
EXAMINATION WITH NON-SIGNING JOINT INVENTORS**

Dear Sir/Madam:

In response to the Notice to File Missing Parts of Nonprovisional Application dated May 21, 2001, the following petition is submitted. Applicant notes that the deadline for filing a response has been extended by the enclosed Petition for Extension until Monday, October 22, 2001.

Pulse-Link, Inc., submits this Petition pursuant to 37 C.F.R. § 1.47(a) on the basis that two named co-inventors of the above-referenced patent application are unavailable by virtue of their refusal to provide an oath or declaration. It is therefore respectfully requested that the application be made by the available co-inventor and Pulse-Link, Inc., the owner of the

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application. A combined declaration and power of attorney, signed by the available inventor, John Santhoff, is attached as Exhibit 1.

One of the unavailable co-inventors, Rodolfo T. Arrieta, is a former employee of Pulse-Link, Inc. The last known address of Mr. Arrieta is: 3616 Oakbrook Lane, Panama City Beach, Florida 32408. On June 24, 2001, the available co-inventor, John Santhoff, met Mr. Arrieta at Mr. Arrieta's Oakbrook Lane residence (Exhibit 2, Declaration of John Santhoff). Mr. Santhoff presented the above-identified patent application, including the specification, claims, drawings and declaration, to Mr. Arrieta (Exhibit 2, ¶ 2). Mr. Santhoff requested that Mr. Arrieta sign the declaration (Exhibit 2, ¶ 2). Mr. Arrieta orally refused to sign the declaration (Exhibit 2, ¶ 2).

In addition, Patricia L. Gullickson (aka Trish Lee), Vice-President of Administration at Pulse-Link, Inc., mailed a Federal Express package to Mr. Arrieta on July 28, 2001 (Declaration of Patricia Gullickson, Exhibit 3). Federal Express delivered the package to Mr. Arrieta's residence on July 30, 2001 (Exhibit 4). Included in the package was a copy of the patent application, including the specification, claims, drawings and declaration. A letter addressed to Mr. Arrieta was also included in the package (Exhibit 5). The letter requested that Mr. Arrieta review the application and sign the declaration and return it to Pulse-Link, Inc. by August 1, 2001 (Exhibit 5, page 2, ¶ 6). As of October 22, 2001, Pulse-Link, Inc. has not received the signed declaration from Mr. Arrieta. Also included in the package was a pre-paid, pre-addressed, Federal Express return airbill (Exhibit 3, ¶ 2). As of October 22, 2001, Federal Express has no record of the return airbill (Exhibit 6).

The second unavailable co-inventor, Donald W. Jolly, is a former employee of Pulse-Link, Inc. The last known address of Mr. Jolly is: 119 Mill Street, Smithtown IL, 62285. On September 27, 2001, Ms. Samantha Draper, Project Administrator at Pulse-Link, Inc., mailed a package to Hurst & Rolfingsmeier, L.L.C. (Declaration of Samantha Draper, Exhibit 7).

Included in the package was the above-identified patent application, including the specification, claims, drawings and declaration (Exhibit 7, ¶ 2). On October 10, 2001, investigator Glenn Youngman delivered the patent application to Mr. Jolly, who orally refused to accept anything from Pulse-Link, Inc. (Glenn Youngman Proof of Service, Exhibit 8).

Pulse-Link, Inc. will be irreparably damaged if this Petition is denied. A Notice to File Missing Parts of Application was mailed to Applicant on May 21, 2001. Because Mr. Arrieta and Mr. Jolly have not provided the necessary declarations, the only recourse for the Applicant is to submit this Petition. If this Petition is denied, the above-identified patent application will become abandoned.

Conclusion

Based on the foregoing it is respectfully submitted that all of the requirements set forth in 37 C.F.R. § 1.47(a) have been met and this petition must be granted. A check in the amount of \$65.00 is enclosed for the petition fee.

Respectfully submitted,



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Check For \$65.00